

REMARKS

Reconsideration of the application as amended is respectfully requested in view of the comments below. The Examiner's objections and rejections are addressed in substantially the same order as in the referenced office action.

Claims 1-40 are pending in this application. Claims 1, 15, 21, and 28 are independent claims. The remaining claims depend, directly or indirectly, from claims 1, 15, 21, and 28. Claims 1, 15 and 21 have been amended to include updating of data relating to a property in a near real time environment based on input from multiple users using different programs for different tasks. Support for the amended claim language is found at **page 21 line 21 to page 22 line 22**, and **page 29 line 20 to page 31 line 10**.

REJECTIONS UNDER 35 U.S.C § 112

Claims 1-27 stand rejected under 35 U.S.C. § 112 ¶ 6 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Independent claims 1, 15 and 21 have been amended in a manner that is believed to address the Examiner's rejection.

REJECTIONS UNDER 35 USC § 103

Claims 28-40 stand rejected under 35 USC § 103(a) over U.S Patent No. 6,341,291 issued to *Bentley* in view of U.S. Patent No. 5,475,589 issued to *Armitage*.

Claim 28 is an independent claim.

The invention of claim 28 is related to management of a portfolio relating to hydrocarbon production. The definition of “portfolio” in the Webster Unabridged Dictionary is quite narrow:

3 : the securities held by an investor or the commercial paper held by a bank or other financial house <expanded the mortgage *portfolio*>

In the context of the present invention, a broader definition of portfolio may be found from a Google search:

A collection of investments.

A collection of investments, real and/or financial.

A collection of investments all owned by the same individual or organization.

The Webster further defines “collection” as

Collection

2 a : something collected; *especially* : an accumulation of objects gathered for study, comparison, or exhibition or as a hobby

With this broader definition in mind, the present invention is related to management of a database relating to collection of investments in hydrocarbon-producing properties. It is important to note that the collection enables comparison or study of the different constituents of the collection. Applicant draws the attention of the Examiner to page 1 (numbered as 32) of a report from ExxonMobil submitted in an accompanying Information Disclosure Statement:

“ExxonMobil is one of the largest oil and gas producers and reserve holders in the United States. The company’s well-established portfolio is geographically diverse with significant positions in all major producing regions, including Alaska; onshore Gulf Coast, shelf and deepwater areas of the Gulf of Mexico, onshore and offshore California, and the midcontinent region...”

This is consistent with a collection of investments in hydrocarbon-producing assets. An important feature of portfolio management is the study and comparison of objects within the portfolio.

The *Bentley* reference is in the field of engineering project management. It is noted that

“Specifically, the present invention provides a management tool for tracking and managing multiple simultaneous changes to a project data set in a cohesive, secure, identifiable, and reversible way.” **Col. 1 lines 17-21**

An important essential feature of engineering project management is to maintain compatibility between updates made by individual users of the database.

“Next, the user requests that the set of components which represent the edited version of the temporary design file be updated to reflect any component changes made in the repository since the creation of the original current version of the temporary design file by other users during the user’s editing time period. As part of the updating process, resolvable and unresolvable component conflicts are locally detected on a per component basis between the components which represent the edited temporary version of the design file and the latest current version of the components. The components represented by the locally updated and edited temporary version of the design file are allowed to replace the latest

current version of the components in the repository only if no unresolved component conflicts exist between the two versions.” **Col. 2 lines 51-65**

This is contrary to the basic tenets of portfolio management which requires the ability to compare individual elements of the portfolio. The engineering project is a single entity in which multiple users may not make changes independently of one another. In a portfolio, changes to one element do not affect the valuation of another element. ExxonMobil may revalue its assets in the Gulf of Mexico if, for example, new geophysical technology increases the size of a reservoir: this revaluation may be done independently of the value of a property in California.


In summary, applicant respectfully submits that *Bentley* not relevant prior art and a person skilled in the art of portfolio management would not look to the filed of engineering project management for methods to use for portfolio management. Accordingly, with the removal of *Bentley* as a reference, applicant submits that claims 28-40 are patentable under 35 USC § 103 over the prior art of record.

A check in the amount of \$180.00 is enclosed for the accompanying Information Disclosure Statement. The Commissioner is authorized to charge any deficiencies and credit any surplus to deposit account **13-0010** (CON-1028).

The PTO did not receive the following
listed item(s) _____

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Respectfully submitted,


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